

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

In re MASSEY ENERGY CO. SECURITIES LITIGATION)	Civil Action No. 5:10-cv-00689-ICB
)	
)	<u>CLASS ACTION</u>
This Document Relates To:)	The Honorable Irene C. Berger
)	
ALL ACTIONS.)	
)	

DECLARATION OF JOEL H. BERNSTEIN

I, JOEL H. BERNSTEIN, declare as follows pursuant to 28 U.S.C. §1746:

1. I am a senior partner of the law firm of Labaton Sucharow LLP, counsel for Lead Plaintiff Commonwealth of Massachusetts Pension Reserves Investment Trust and Co-Lead Counsel for the proposed Settlement Class, and am admitted to practice before this Court. I respectfully submit this declaration in support of Lead Plaintiff's motion for preliminary approval of the proposed class action settlement. I have personal knowledge of the matters testified to herein.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Stipulation and Agreement of Settlement, dated as of February 5, 2014, with annexed exhibits.

3. Annexed hereto as Exhibit 2 is a true and correct copy of the firm resume of Labaton Sucharow LLP.

4. Annexed hereto as Exhibit 3 is a true and correct copy of the firm resume of Robbins Geller Rudman & Dowd LLP.

5. Annexed hereto as Exhibit 4 is a true and correct copy of the firm resume of A.B. Data Ltd., the proposed claims administrator for the Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2014.

/s/ Joel H. Bernstein
JOEL H. BERNSTEIN

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of February 2014, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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